

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

D&M FARMS, MARK HASTY, and
DUSTIN LAND, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

BIRDSONG CORPORATION and
GOLDEN PEANUT COMPANY, LLC,

Defendants.

Case No. 2:19-cv-463-HCM-LRL

MOTION TO DISMISS

Defendant Birdsong Corporation (“Birdsong”), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves to dismiss the Complaint, and all claims for relief therein against Birdsong, for failure to state a claim upon which relief can be granted, for all of the reasons set forth in the accompanying Memorandum.

WHEREFORE, Birdsong respectfully requests that the Court grant its Motion to Dismiss, dismiss the Complaint, and all claims for relief asserted against Birdsong, with prejudice, and grant such other relief as the Court deems appropriate.

BIRDSONG CORPORATION

/s/ Stephen E. Noona

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(Pro hac vice pending)

Counsel for Birdsong Corporation

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will automatically email notification of such filing to all counsel of record who have made a formal appearance.

/s/ Stephen E. Noona

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